

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43928 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- JAKKANPUR District- Patna

PAWAN KUMAR S/o Ramashish Rai R/o 40 JYTG Railway Station,
Yashwant Nagar, Talluq- Sandur, Dist- Bellary, Karnataka, PIN- 583124,
Permanent resident of Mahuabag, P.S.- Parsa Bazar, District- Patna, Bihar.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate. Dr. Kumar Uday Pratap, Advocate.
For the State	:	Ms. Sangeeta Sharma, A.P.P.
For the Informant	:	Mr. Shyam Kumar, Advocate. Mr. Arvind Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 10-02-2022 The applicant/accused in Crime No.222 of 2021 registered with Police Station-Jakkanpur for the offences punishable under Sections 341, 323, 324, 307, 504 and 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, by this application is seeking his release on bail during the pendency of the trial.

Heard the parties.

According to the learned Senior counsel appearing for the applicant, had the applicant intended to commit the murder of his wife, he had tonnes of opportunities to do so as his wife was earlier residing at his house. He submits that it is a matrimonial dispute and the applicant cannot be kept behind the bars. The



applicant is ready to maintain his wife.

The learned A.P.P. opposed the application by pointing out wounds suffered by not only the wife but the father-in-law of the applicant in the incident in question.

I have considered the submissions so advanced and also perused the materials placed before me.

The incident in question allegedly took place on 06.05.2021. The F.I.R. is lodged by injured Mamta Yadav while she was taking treatment at Shiva Hospital on 07.05.2021. According to the prosecution, the applicant married Mamta Yadav on 27.02.2016. On 14th October, 2020, it is averred by the prosecution that by assaulting Mamta Yadav, the applicant had driven her out of his house. Thereafter, he was repeatedly visiting the house of father of the first informant for demanding money and on refusal he used to abuse and assault the first informant. It is further averred that on 06.05.2021, the applicant came to the house of his father-in-law i.e. father of the first informant and demanded money. On refusal, it is averred that the applicant had assaulted his wife, i.e. the first informant as well as his father-in-law.

The learned A.P.P. submitted that father-in-law has sustained 3 injuries on upper chest, left upper abdomen and



lower abdomen whereas the first informant-wife had sustained 5 wounds on lower forehead, face and nose, right breast, right hand and right thigh.

Considering the averments made in the F.I.R., this Court is not assured that the applicant would not indulge in commission of similar offence in future against his in-laws and wife. No case for grant of bail to the applicant at this stage is made out. The application is accordingly rejected with a direction to the learned trial court to commence and complete the trial within a period of one year from today.

(A. M. Badar, J)

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